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7 FINJAN LLC,  
8 Plaintiff,  
9 v.  
10 CISCO SYSTEMS INC.,  
11 Defendant.

Case No. 17-cv-00072-BLF

**ORDER DENYING CISCO'S  
ADMINISTRATIVE MOTION TO  
IMPLEMENT PROCEDURES THAT  
ENSURE A FAIR TRIAL**

[Re: ECF 720]

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13 On September 29, 2020, Defendant Cisco filed an administrative motion to continue the  
14 October 19, 2020 jury trial or to implement procedures that ensure a fair trial. ECF 720. Cisco  
15 specifically sought to continue the trial to January 2021 or, at the very earliest, to November 2,  
16 2020. ECF 720 at 1. Since the motion was filed, and based in part on COVID-related directives  
17 from the United States District Court of the Northern District of California, the Court reset the jury  
18 trial to commence on November 2, 2020. *See* ECF 727.

19 The Court thus focuses solely on Cisco's request that "the Court issue an Order requiring  
20 all fact witnesses to testify remotely and that neither party have a corporate representative at  
21 counsel table during trial." ECF 720 at 1. Plaintiff Finjan opposes this request, explaining that  
22 Finjan's corporate representative has a right to be present in the courtroom and that Cisco's  
23 concerns are remediable. *See* ECF 728.

24 The Court DENIES Cisco's motion. The Court rejects Cisco's argument that its proposal is  
25 necessary to ensure a fair trial. Video testimony has long been used when witnesses are not  
26 available for in court testimony and it has proved effective. The Court is granting both parties  
27 complete discretion to determine which of its witnesses will appear in court and which will appear  
28 remotely by video. Any party who wishes to present remote video testimony shall coordinate with

1 the Court Room Deputy to minimize technical and logistical difficulties.  
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3 **IT IS HEREBY ORDERED.**

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5 Dated: October 8, 2020  
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7 BETH LABSON FREEMAN  
8 United States District Judge  
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11 United States District Court  
12 Northern District of California  
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